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Credit, reputation and masculinity in British urban commerce:

Edinburgh c. 1710-1770¹

In his famous manual for tradesmen, Daniel Defoe devoted significant attention to the importance credit. In a cash-poor economy, the function of credit in facilitating trade requires little explanation. Indeed, for the average tradesman, Defoe described credit as the ‘choicest ware he deals in’. Keeping in good credit generated a considerable amount of anxiety for contemporaries, and just how to do so was one of Defoe’s main concerns. In one important passage, he advised his readers that

Nothing can support credit, be it public or private, but honesty; a punctual dealing, a general probity in every transaction. He that once breaks through his honesty violates his credit—once denominate a man a knave, and you need not forbid any man to trust him.²

Defoe’s words make clear that for eighteenth-century tradesmen, credibility and worth were not only based on individual wealth, but also on adherence to codes of appropriate behaviour. Early modern historians have recognised that credit, used interchangeably by contemporaries with the words honour, reputation, and in the eighteenth century, character, was made up of a confluence of social and economic factors ranging from honesty to chastity to family behaviour.³ In credit-based economies, personal reputation acted as a kind of currency.

This article draws on cases of ‘scandal’ or public insult brought before the Edinburgh consistory court between 1710 and 1770 to reflect on how notions of honour, reputation and credit were constructed amongst middling men in an urban, commercial

¹ I would like to thank Adam Fox, Harriet Cornell and three anonymous referees for their very helpful comments on previous drafts of this article.

² Defoe, *Complete English tradesman*, pp. 226–40.

³ Muldrew, *Economy of obligation*, pp. 121–57. For character, see Finn, *Character of credit*, pp. 18–20.

setting. During this period, hundreds of men and women in Edinburgh brought cases to the court because they felt that through insulting words, their credit or ‘good name and reputation’ had been ruined. Because reputation circulated by word of mouth and because the loss of credit had the very real ability to ruin a person’s livelihood, such public insults were taken very seriously. Litigants were often able to mark out the effects of insult in financial terms. The servant Janet Cowan claimed that after being called a ‘cheating bitch’ by a local shopkeeper, she was ‘disregarded by every person as one not to be credited or employed and so rendered destitute of bread’.⁴ The wigmaker Alexander Campbell claimed that a public allegation of dishonest business had caused him to lose ‘upwards of fiftie pounds sterling’.⁵

Honour and reputation are subjects that have been widely studied in the early modern period. Litigation for verbal injury, drawn especially from church courts, has proven an ample source from which to study them.⁶ Historians now agree that honour mattered to all levels of society, and that no one was truly ‘shameless’. Though the language and concepts of reputation were important to everyone, they had fluid and slippery meanings, and differed significantly according to rank, context and gender.⁷ This study will contribute to the existing historiography by examining the credit and reputation of commercial, middling men, a rank of individuals whose households, families and

⁴ National Archives of Scotland (hereafter NAS), Consistorial Processes, *Janet Cowan v. Archibald Sheills*, 1749, CC8/6/328.

⁵ NAS, *Campbell v Campbell*, 1711, CC8/6/224.

⁶ Some seminal works include Bound, ‘Narratives of slander’; Gowing, ‘Gender and the language of insult’; Idem, ‘Language, power and the law’; Idem, *Domestic dangers*, pp. chs 3–4; Hindle, ‘Shaming of Margaret Knowsley’; Ingram, *Church courts*; Meldrum, ‘Women’s court in London’; Sharpe, *Defamation and sexual slander*; Shoemaker, ‘Decline of public insult’.

⁷ Dabhoiwala, ‘Construction of honour’, p. 201.

social lives are seen to have been heavily marked by the experiences of obtaining and keeping credit.⁸

Most case studies have defined defamation, and by association honour, as something peculiar to early modern England. Indeed, only a few case studies have drawn on evidence from north of the border.⁹ England seems to have witnessed a steady rise in defamation litigation in the sixteenth and seventeenth centuries, then a sharp decrease in cases by the mid eighteenth-century. J.A. Sharpe, drawing on litigation in York, found that the willingness to wage law in support of reputation and good name was essentially a feature of the years 1560-1730.¹⁰ Similarly, R.A. Shoemaker found a long decline in defamation litigation in the church courts of London beginning in the seventeenth century.¹¹

The bulk of recent research on honour and defamation has focused on gender, and particularly on the sexual language of insult waged against women. Drawing on church court records, historians have found remarkably high numbers of women acting as plaintiffs in defamation cases.¹² Drawing on this evidence, it has been asserted that for women, honour depended primarily on sexual morality, while for men, issues of honesty and trust within business were more important.¹³ Further studies challenged these simplistic gender boundaries by suggesting that men were also vulnerable to accusations of sexual misconduct and that women's reputations did not rely solely on chastity.¹⁴ But

⁸ Hunt, *Middling sorts*, pp. 22-45.

⁹ Leneman, 'Defamation in Scotland'; Parker, 'Kirk by law'.

¹⁰ Sharpe, *Defamation and sexual slander*, p. 9.

¹¹ Shoemaker, 'Decline of public insult', p. 100.

¹² Ibid., 114; Gowing, *Domestic dangers*, p. 33.

¹³ Amussen, *Ordered society*, pp. 98-104; Gowing, 'Gender and the language of insult'; Sharpe, *Defamation and sexual slander*, pp. 28-9.

¹⁴ Capp, 'Double standard revisited'; Dabhoiwala, 'Construction of honour', p. 208; Shepard, *Meanings of manhood*, p. 154.

in making these assertions, scholars have not always been careful to heed the limitations of the court's evidence. Because of the overwhelming numbers of women in court, the records do not allow for a comparison of male and female reputations. Furthermore, English church courts were restricted to cases of a moral or spiritual nature and these seem to have been confined primarily to sexual offences. For example, if a woman was called a thief and a whore, only the word whore was actionable.¹⁵ Additionally, gender has often been discussed in isolation from other categories of analysis such as rank and occupation, when in fact an individual's honour related to both.

A case study of defamation drawn from eighteenth-century Scotland can add new dimensions to the existing historiography in important ways. First, because cases of defamation in Edinburgh are drawn from a distinctive legal context, they provide new types of evidence contributing to ongoing debates about gender, reputation and the changing nature of urban credit amongst the middling sorts in Britain. Second, such a study can enhance our understanding of Scottish economic culture, drawing on some of the methodologies and insights developed in the English historiography. While credit has been of interest to English historians for some time, we have a less clear understanding of early-modern Scotland. The limited work on Scottish credit has tended to focus on women, neglecting the gendered experiences of men within the Scottish marketplace.¹⁶

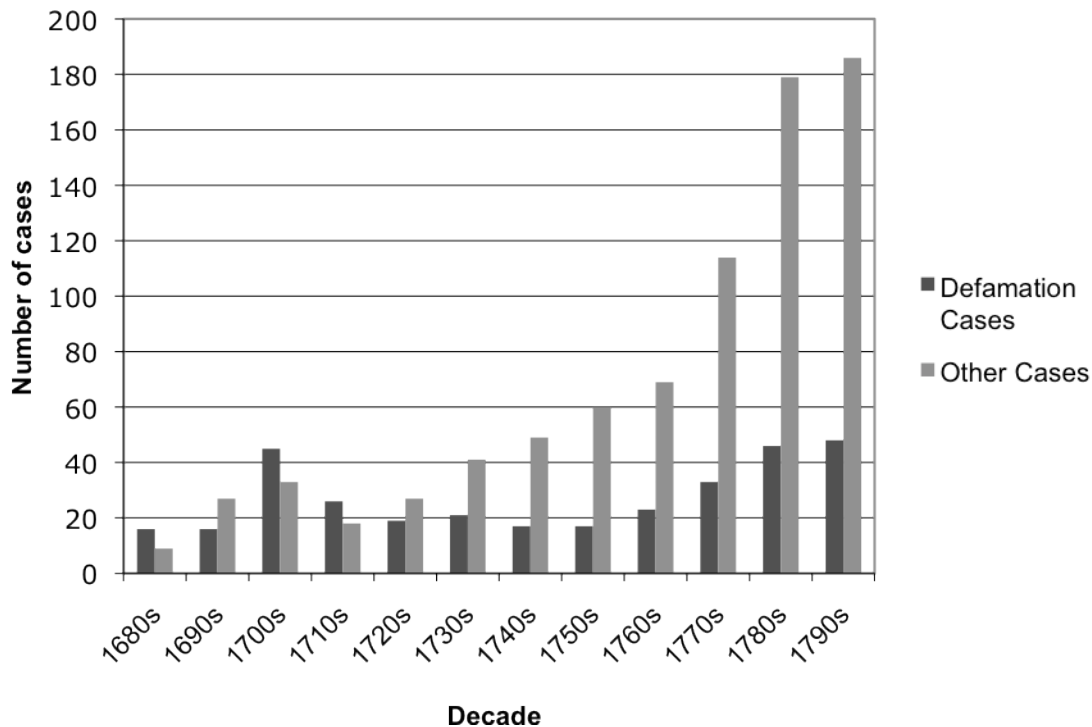
In considering all incidents of scandal brought before the court from 1710–70, this study is based on a sample of 113 cases that yield considerable evidence, both qualitative and quantitative, about the nature of reputation within this urban space. Both pursuers' [plaintiffs'] complaints and defenders' [defendants'] responses are used to think about

¹⁵ Capp, *When gossips meet*, pp. 252, 96–7.

¹⁶ DesBrisay and Thomson, 'Crediting wives'; Leneman, 'Defamation in Scotland'.

honour.¹⁷ This approach acknowledges that in cases of defamation, the categories of victim and perpetrator were often unclear, and cases usually involved an exchange of insults. The years selected for study represent a period of relative stability in the number of cases raised. Two periods of ‘crisis’ frame the period. Business before the court doubled in 1700–9 and 1780–1800 (figure 1). That the numbers of cases remained steady, even increasing at the end of the period, stands in distinct contrast to the equivalent English courts. Public insult as a form of community censure and the use of the courts in regulating interpersonal disputes may have remained more important in Scotland than they did south of the border.

Figure 1. Number of defamation cases compared to total business of the Edinburgh consistory court during the long eighteenth century.



¹⁷ This article will continue to employ the terms 'pursuer' and 'defender', the Scots words for plaintiff and defendant, in order to preserve the original language of the documents.

Source: National Archives of Scotland, Edinburgh Commissary Court, Consistorial processes, 1680-1800. CC8/6/26-1097.

The gender composition of cases was overwhelmingly male throughout the period of study (table 1), and both men and women were most likely to sue others of the same sex (table 2). That men came to court as both the insulters and the insulted in much greater numbers than their female counterparts again stands in distinct contrast to the London courts. Given the gender composition of cases, Scottish evidence offers an opportunity to explore male constructions of reputation and honour, an opportunity that Scottish historians have largely failed to take advantage of. Leneman positioned her work on defamation in the second half of the century in light of the English church court records, focusing on the sexual reputation of women in Scotland despite the fact that women accounted for only 22 per cent of her sample.¹⁸

Table 1. Gender composition of litigants before the consistory court, 1710-1770.

	Total Litigants	Pursuers	Defenders
Men (%)	69	67.3	70.8
Women (%)	20.4	23	17.7
Joint husband and wife (%)	10.6	9.7	11.5

Source: National Archives of Scotland, Consistorial processes, 1710-1770, CC8/6/154-482.

Table 2. Gender composition of cases before the consistory court (excluding cases involving joint parties), 1710-1770.

	% of Cases
Male v Male	68.8
Female v Female	15.1
Male v Female	5.4
Female v Male	10.8

¹⁸ Leneman, 'Defamation in Scotland', p. 214.

Source: National Archives of Scotland, Edinburgh Commissary Court, Consistorial processes, 1710-1770. CC8/6/154-482.

In terms of rank and occupation, the court attracted most of its business from a narrowly defined group of lower-middling tradesmen. The self-defined occupations and designations of those who appeared in court can be divided into roughly 9 categories ranging from common labourer to gentleman. Table 3 shows that the extremes of the social scale- gentlemen, labourers, and sailors- held only a minor presence in the court. Most litigants came from the ranks of small traders and craftsmen, who made up about 30 per cent of Edinburgh's middle ranks.¹⁹ In contrast to London, where the middling sorts came to court to defend their reputations in lesser numbers over the course of the eighteenth century, choosing not to 'air their dirty laundry in public', in Edinburgh these ranks continued to patronize the court, while the lower orders never assumed a significant presence.²⁰

Table 3. Occupations of litigants

Occupation	Number of Pursuers	Number of Defenders
Crafts	40	49
Food / drink service	2	2
Gentleman	3	3
Government Official	3	3
Labourer	1	1
Merchant / Shopkeeper	24	18
Professional	17	17
Servant	10	7

¹⁹ Smout, *Scottish People*, p. 357.

²⁰ Shoemaker, 'Decline of public insult', pp. 116-7.

Apprentice	1	3
Sailor	5	3
Total	106	106

Source: National Archives of Scotland, Consistorial processes, 1710-1770, CC8/6/154-482.

The tendency of middling individuals to sue other middling individuals does not suggest that a good name was more important to the middle ranks of society than to others, nor that middling men were not vulnerable to public insult by the lower orders. Rather, middling sorts were probably more likely to take an interest in regulating the behaviour of others of a similar station, on whom they were closely bound through financial and social relations. As Margaret Hunt has suggested, the interdependencies created by credit economy made middling people "more concerned about the morals of people who were their equals, at least in contractual terms, than they were with the morals of their social inferiors".²¹

The continuing taste for litigation by middling individuals reflected the changing social and economic conditions that they faced in Edinburgh. Most defamation litigants were part of a humble but upwardly mobile trading community that benefited from the city's growing affluence as a legal, administrative and consumer centre. The service and trading industries expanded, catering to the demands of the city's growing numbers of professionals and highland gentry.²² But while Edinburgh offered opportunities for success, tradesmen were also vulnerable to market fluctuations and periods of economic crisis that punctuated the period.²³ Periodic political conflicts arose as artisans became increasingly dissatisfied with the powerful oligarchy of merchants who continued to

²¹ Hunt, *Middling sorts*, 40-1.

²² Nenadic, 'Rise of the urban middle class', pp. 117-18; Idem, 'Middle-rank consumers', pp. 125-7.

²³ Houston, 'Economy of Edinburgh'.

control trade and city politics.²⁴ The loosening of guild regulation resulted in demarcation disputes and conflicts between free and unfree traders.²⁵ In this environment, court litigation provided lower-middling commercial men with ways of protecting their honour and of furthering the interpersonal conflicts that inevitably resulted from these economic and social tensions.²⁶

Further research into contemporary usage of Scotland's legal system would help explain the patterns of litigation before the consistory court, however, a combination economic conditions and Scottish legal jurisdictions seem to have played a role. This article will begin by outlining the unique jurisdiction of the Scottish consistory court, and how it shaped the nature of nature of defamation cases. It will then address constructions of reputation as revealed by the language of insult and the social behaviour described in the cases. Finally, though constructions of reputation remained consistent throughout the period, the article will consider how the nature and forms of social credit changed over time.

Of course, litigation does not offer unmediated or unprejudiced access to the social behaviour of the men who came to court. Litigants described their actions carefully in ways that would make them appear most favourable to the court, probably making serious omissions, exaggerations and distortions. Depositions must therefore be read more as examples of how litigants framed and negotiated their behaviour according to dominant ideals than as descriptions of social life. While incidents of public insult must have been fairly widespread, only a minority of offences were prosecuted. Patterns of

²⁴ Hill, 'Corporate values', pp. 118–19; Houston, 'Popular politics', pp. 167–89; Murdoch, 'Importance of being Edinburgh', pp. 1–16.

²⁵ Smout, *Scottish People*, 348–9; Houston, *Social Change*, pp. 366–71.

²⁶ Smout, *Scottish People*, p. 349; Houston, *Social Change*, p. 6.

litigation thus do not directly record patterns of behaviour. Defamation litigation often represented only one stage within a larger dispute, and information about what ‘set off’ an insult was often lacking. Many of the insults seem to have arisen from commercial disputes, but where this information is clear, the insults waged often bore only scant relation to the larger conflict at hand. However, the insults brought to court were considered sufficiently damaging and sufficiently believable to merit litigation, and they provide an indirect guide to the components of credit that men were forced to negotiate in their daily lives.

I

Defamation could be defined as a criminal or a civil action, and Scots had a choice of courts to go to if they felt damaged by insulting words. The Kirk Sessions (church courts) dealt with slander of a moral or spiritual nature. Cases involving physical as well as verbal injury could be taken to the justices of the peace or burgh courts. The sheriff courts were also willing to hear cases of defamation. However, the consistory court’s jurisdiction was slightly wider than the other courts, and it appears to have heard the most cases.²⁷

The consistory courts were a division of the commissary courts, created after the Reformation to replace the civil jurisdiction exercised by Bishops.²⁸ The new courts had the power to hear cases of actions of adherence or divorce, bastardy, aliment, slander and defamation, and to execute testaments.²⁹ A set of inferior courts held jurisdiction over the pre-Reformation episcopal diocese, and cases could be appealed to a central court in

²⁷ Leneman, ‘Defamation in Scotland’, p. 211.

²⁸ Leneman, *Alienated affections*, p. 6.

²⁹ Bell, *Dictionary*, p. 179.

Edinburgh. While they were technically church courts, the consistories functioned much like secular courts in terms of legal procedure. Unlike spiritual courts, they heard evidence presented by both sides and made decisions based on legal precedent.³⁰ The court of session (Scotland's supreme secular court) held supervisory jurisdiction.³¹

Consistory courts were supposedly confined to dealing with cases and disputes of an ecclesiastical nature. But when compared to the English courts, they seem to have had a much wider scope.³² The consistory court claimed its power to rule in slander cases from the Christian law that one should 'love his neighbour', and almost any insult could be considered a breach of this law. A variety of slanderous expressions, such as cheat, knave, villain, or liar were equally as actionable as moral insults and appeared more commonly than sexual insults. The presence of other courts in both Scotland and England also contributed to the difference in apparent consistorial jurisdiction. English secular courts required individuals to prove that they had sustained actual material loss from the words spoken, making cases problematic. Because the ecclesiastical courts had no such rule, most individuals chose to take their slander cases there. In Scotland, the system of Kirk sessions, for which there was no English equivalent, was primarily concerned with church discipline and drained off the cases of a more moral or spiritual nature.³³ Both men and women were able to raise cases before the consistory court, but married women were required to have the concurrence of their husbands, possibly limiting their opportunities to participate in litigation.³⁴ Women may also have chosen to take their

³⁰ Leneman, *Alienated affections* 6.

³¹ Stair Society, *Scottish legal history*, p. 369.

³² Leneman, *Alienated affections*, p. 6.

³³ Leneman, 'Defamation in Scotland', pp. 210–11.

³⁴ *Ibid.*, p. 214

disputes before different courts, making the consistory court a space of predominantly masculine competition.³⁵

There were two essential ingredients that made slander actionable in the consistory courts: the affront, and malicious intent.³⁶ Court cases were structured around proving these two points. The affront referred to the occasion and nature of the insult. In order to be actionable it had to be public. In intent, slanderous words had to be spoken not just in passion or passing, but with the design of causing real damage to the recipient. Whether the slanderous expressions spoken were true seemed to have made little difference to the court. They needed only to be damaging and specific in their charge. As James Fergusson, a contemporary legal commentator described,

Such reproaches are deemed actionable, not when they consist in general expressions, but in as far as they charge particular crimes, faults, or blemishes, which bring a man's life, his fortune, or moral character into question, to the effect of harassing his mind, or of subjecting him to patrimonial loss or damage.³⁷

The continuing emphasis on malicious intent probably contributed to the popularity of defamation litigation through the eighteenth century. Because most parties were engaged in long-term disputes, proving malice was never difficult, and initiating a case nearly always resulted in a positive outcome for the pursuer. Numbers of defamation cases fell in the early nineteenth century, when the shift to strict liability required pursuers to prove detailed financial loss.³⁸

³⁵ Unfortunately, defamation material in the sheriff court and kirk sessions is unlisted, and there are no extant case papers from the justices of the peace covering the period of study. The nature of defamation suits before these courts are therefore unknown.

³⁶ Fergusson, *Treatise* p. 229.

³⁷ *Ibid.*, 234.

³⁸ Blackie, 'Defamation', 656–662.

Initiating a case before the Consistories was a significant financial investment. The expenses associated with pursuing a case were at least partially responsible for limiting the court's business to middling tradesmen and craftsmen. The dues of posting a libel (the first and only necessary step in a case) cost 7s., the equivalent of one half day's wages for a wright or mason, or one day's wages for a labourer.³⁹ In reality, expenses of plea ranged from £1 to £41, with an average of around £3. The cost of coming to court varied depending on the duration and complexity of a case. In Edinburgh, about half of all cases reached a verdict, meaning that they were lengthy and fought until the end. This figure also stands in contrast to London, where 14 per cent of cases from 1700–10 and seven per cent from 1735–45 went to sentence.⁴⁰ Litigants coming to the Edinburgh court had to be prepared to spend tens of pounds on a case. But for many, defending their reputations was a financial investment worth making, and fighting a case until the end usually guaranteed a positive outcome for the pursuer. In nearly all cases reaching a final verdict, the libel was declared proven and the defender was obliged to read a 'palinode' or public recantation before the kirk, restoring the honour of the injured party and shaming the defamer. In the 1790s, the palinode was abolished, and guilty parties were asked only to pay damages and a fine.⁴¹

II

Men and women came to the court to defend themselves against a variety of insults and verbal injuries. Slanderous words suggest that credit was composed of a combination of assessments of social, economic and moral factors. Contemporaries used

³⁹ NAS, *Cuthbertson v Thomson*, 1766, CC8/6/432; Gibson and Smout, *Prices, food and wages*, pp. 298–9.

⁴⁰ Leneman, 'Defamation in Scotland', p. 216.

⁴¹ *Ibid.*, p. 229.

a variety of terms when speaking about their reputations. Virtue, honesty and character referred to moral standing, while rank and quality referred to a person's worldly position. Credit, meaning a person's reputation for financial solvency, conflated these moral, social and economic assessments.⁴² Credit was achieved through behaviour and actions in public and in business as well as in the home. The credible, middling male tradesman was honest, fair dealing, sociable, provided for his family and adhered to codes of appropriate sexual behaviour. The components of credibility both overlapped with and diverged from female credibility in important ways.

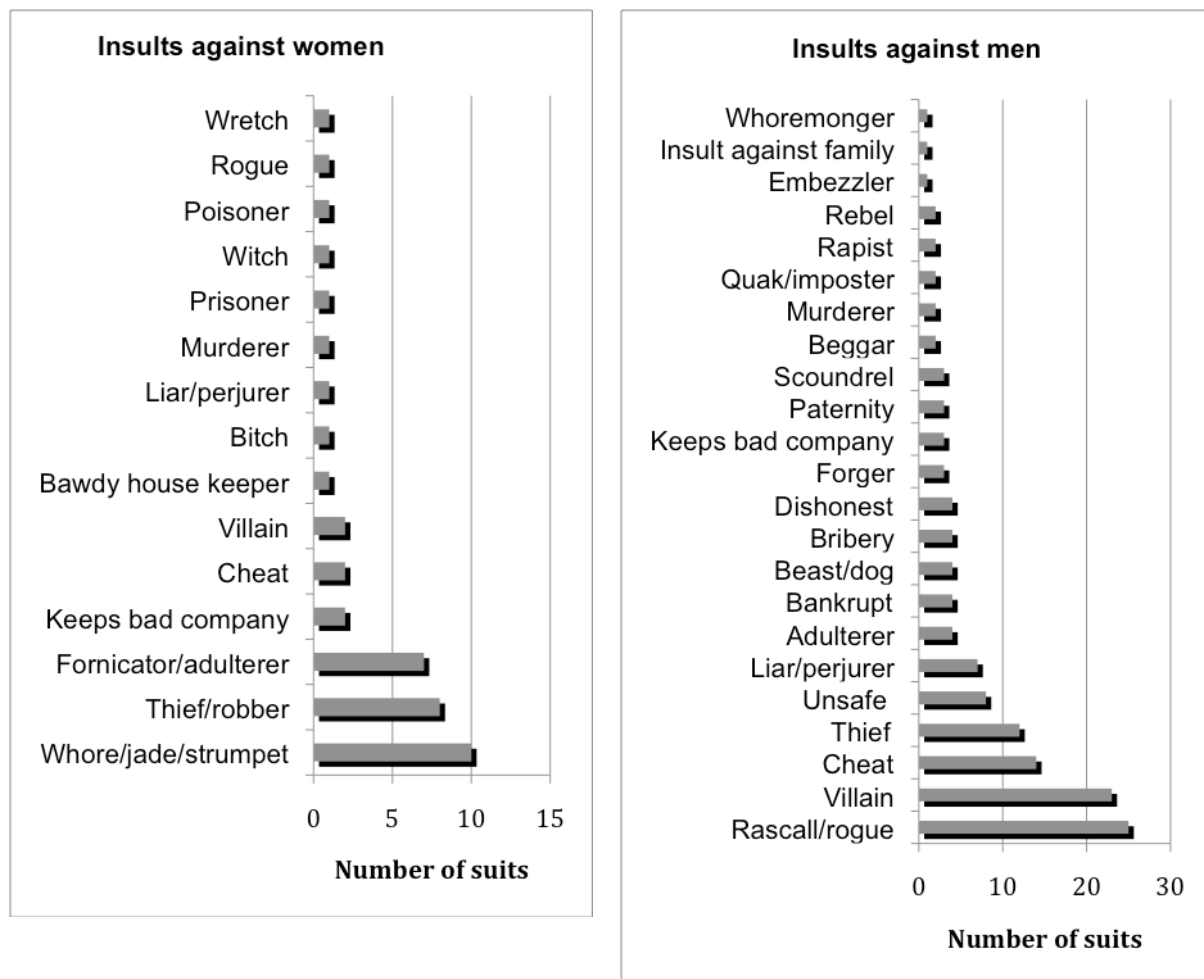
Figure 2 shows the frequency insults brought to the consistory court according to gender. These statistics show that there was variation between the insults waged against women and men, though overlap between them suggests that male and female honour was not 'wholly incommensurable' as Laura Gowing has suggested.⁴³ Men were slandered with a greater range of insults than women. At least 23 different categories of insult were waged against men, while only 15 were waged against women. The biggest point of divergence between male and female honour was sexual. Only about five per cent of insults waged against men as opposed to half of insults against women were sexual in nature. However, this figure stands in stark contrast to English case studies, where insults of women were overwhelmingly sexual.⁴⁴

Figure 2. Gender composition of insults brought before the consistory court.

⁴² Dabhoiwala, 'Construction of honour', p. 204.

⁴³ Gowing, 'Gender and the language of insult', p. 19.

⁴⁴ Gowing, *Domestic dangers*, pp. 62–3.



Source: National Archives of Scotland, Edinburgh Commissary Court, Consistorial processes, 1710-1770. CC8/6/154-482.

There is not necessarily a correlation between the number of cases and concern for sexual reputation. While sexual insults were not normally waged against men, their reputations depended on all aspects of their character, including sexual honesty.⁴⁵ Sexual looseness was equated with looseness in lending and borrowing, and 'whoring' was believed to lead to extravagance and non-payment of debts.⁴⁶ Men in the consistory court claimed that accusations of sexual misbehaviour had economic consequences. When John Ivie, a weaver, was accused of letting another lie with his wife, he claimed to have been

⁴⁵ Foyster, *Manhood* pp. 86-7, 121.

⁴⁶ Hunt, *Middling sort*, pp. 50, 68.

‘exposed to the contempt of the neighbourhood’ and his credit ruined.⁴⁷ For some men, sexual insults could reflect directly on their business practices. When Catherine Watson slandered the innkeeper James Douglas by saying that ‘he brought in whores and whoremongers to his house and that he kept a house only for such persons’, the insult reflected badly on the morality of his business transactions.⁴⁸ Credit depended on a combination of social, moral and financial assessments, and as Muldrew has convincingly argued, there was no distinction between ‘economically rational transactions and other social transactions, such as courtship, sex and patronage. What we choose to call “economic” must be treated carefully’.⁴⁹

Both men and women experienced sexual insult, but they experienced it in different ways. For women, chastity was the primary component of reputation. Women’s virtue, honour, and reputation were perceived through their sexuality. As one litigant claimed, ‘virtue is to a young woman what honesty is to a man’.⁵⁰ Once lost, it was not recoverable.⁵¹ As Marion Denune told the court, when James Walker spread a rumour that she gave birth out of wedlock, he destroyed her ‘character of virtue and chastity, a thing of the most permanent and dangerous consequence’.⁵² In contrast, male sexual misconduct carried varied and contradictory meanings. Men had more power to manipulate the meanings of their sexual misconduct according to circumstance.⁵³

For men, unlike women, appropriate sexual behaviour was tied to place in the lifecycle. For young men, sexual mastery was a point of manhood. In early modern

⁴⁷ NAS, *Ivie v Roxburgh*, 1710, CC8/6/131.

⁴⁸ NAS, *Douglas v Watson and another*, 1711, CC8/6/74.

⁴⁹ Muldrew, *Economy of obligation*, p. 148.

⁵⁰ NAS, *Fall v Wilson*, 1742, CC8/6/300.

⁵¹ Dabhoiwala, ‘Construction of honour’, p. 207; Gowing, *Domestic dangers*, p. 2.

⁵² NAS, *Denune v Walker*, 1734, CC8/6/263.

⁵³ Gowing, *Domestic dangers*, p. 113.

England, some felt it necessary to engage in a ‘youth culture where manhood was learnt by drinking, fighting and sex’.⁵⁴ Young men might respond to these sexual pressures by bragging about their conquests in public in order to assert their maturity.⁵⁵ Behaviour in Edinburgh appears to have followed these patterns. Sexual appetite was a fundamental part of James Boswell’s concept of ‘masculine vertu’, and his sexual activities, as described in his diaries, are well known to historians.⁵⁶ Sexual insults against women were sometimes deployed by men in order to prove their own abilities. Thus in 1766 Robert Thomson boasted to his friends in an Edinburgh ale house that ‘he was taken in when drunk by Mrs Murray and laid her down and played with her on the floor of her own house’.⁵⁷ The words spoken by Thomson, a young man, were said to his friends in a social setting and not directly to her. They may have been intended not as an insult against Murray, but rather as a way for him to brag about his own behaviour.

Marriage and maturity, especially in terms of heading households, brought new codes of sexual behaviour for men. Boswell wrote that in order to become more ‘manly’, he sought to rise above the temptations of city life and ‘achieve the steadiness of a man of dignity’.⁵⁸ Once they married and became heads of household, men were expected to control their sexual activities. When Beatrice Wood publicly accused her master, John Caddell, of sexual abuse, she testified that ‘it would not have surprised her to have mett with such treatment from a young vigorous unmarried man... but she could not have expected such usage from the pursuer a grave married man and of character’. Caddell brought a case of defamation against Wood. Due to expectations of patriarchal behaviour,

⁵⁴ Fletcher, *Gender, sex and subordination*, pp. 92–3.

⁵⁵ Capp, ‘Double standard revisited’, pp. 72–4; Foyster, *Manhood* p. 43.

⁵⁶ Carter, ‘James Boswell’, 114.

⁵⁷ NAS, *Cuthbertson v Thomson*, 1766, CC8/6/432.

⁵⁸ Carter, ‘James Boswell’, 116.

he told the court that the accusations were particularly damaging and called the insult 'highly aggravated in respect of his having a wife and children'.⁵⁹

Cases of sexual insult against house-holding men suggest that morality was not the main issue at stake. Extramarital sex did not bring the kind of shame described in an earlier period, which was bound with humiliation and called into question a man's sexual honesty, causing many to flee or to pay off their accusers.⁶⁰ Rather, married male sexual misconduct in eighteenth-century Edinburgh was looked down upon because it could destabilise the family economy. Debates before the consistory court reflected middling fears that the birth of an illegitimate child could drain a family's resources and lead to ruin, and bastards were viewed as a threat to the inheritance of legitimate children.⁶¹ These issues were especially problematic in Scotland, where canon law dictated that children of 'irregular' marriages had the same inheritance rights as legitimate children, and where legitimization by marriage was allowed after birth.⁶² Men were expected to provide for their dependents, and their honesty was dependent on fulfilling this obligation.⁶³ In 1740, James Dalrymple, a married man, brought a suit against Mary Gainer for spreading a rumour that she had been his lawful wife. According to Gainer, after having taken her on as his housekeeper in London, Dalrymple took her to Edinburgh where they cohabitated and she bore a child.⁶⁴ The depositions taken during the case focused not on his moral actions by sleeping with two women, but his honesty and

⁵⁹ NAS, *Caddell v Wood*, 1743, CC8/6/304.

⁶⁰ Capp, 'Double standard revisited', pp. 70–2; Foyster, *Manhood* pp. 80–2.

⁶¹ Hunt, *Middling sorts*, 67–8; Zunshine, *Bastards*, pp. 3, 124; Staves, 'Resentment', pp. 209–214.

⁶² Leneman, 'Legitimacy', 45–46.

⁶³ Shepard, *Meanings of manhood*, p. 188; The early-modern Scottish legal system did not have mechanisms in place to enforce child support, however, if a mother sought poor relief, the kirk might pursue the father for payment. See Leneman, *Alienated affections*, pp. 180–181, 192; Mitchison, *Old poor law*, pp. 23–44; Todd, *Culture of Protestantism*, pp. 306–308.

⁶⁴ NAS, *Dalrymple v Cunningham*, 1740, CC8/6/288.

willingness to provide for dependents. Sexual misbehaviour was linked to avoiding the financial responsibilities associated with patriarchy. By speaking publicly about their relationship, Gainer was perhaps trying to force financial support by threatening his honour, but she might also have been attempting to establish an irregular marriage by ‘habit and repute’, giving her legal access to Dalrymple’s property.

In cases involving insults of adultery, illegitimacy and sexual misbehaviour, the differences between male and female honour did not seem as stark as historians have often made out. Men were not alone in facing economic consequences to adultery. For most women, sexual misbehaviour brought shame. But for some, the consequences of sexual misbehaviour were framed in economic terms. In 1719, Mrs Fergusson, the spouse of a wigmaker, insulted the widow Janet Lamb by saying that she had brought forth two bastard children. In the insulting words, Fergusson linked the act of adultery with Lamb's poverty, claiming that had she 'not had the charge and burden of maintaining these children', Lamb 'might certainly have had a considerable deall of money scrapt together'.⁶⁵ Many women told the court that sexual insults ruined their occupational identities rather than complaining that they had been shamed, suggesting that women's sexual behaviour had direct implications on their reputations for honesty and credit in the marketplace. One litigant claimed that bearing children gave her credit. In a dispute over the price and quality of oranges, the shopkeeper Mrs Sheills told her customer that ‘she was ane honest Kitty for that she had kittled so many children and the pursuer had not had the credite to kittle any’.⁶⁶

⁶⁵ NAS, *Lamb v Ferguson*, 1719, CC8/6/188.

⁶⁶ NAS, *Campbell v Campbell*, 1751, CC8/6/318. To ‘kittle’ is to bring forth children.

While sexual reputation was clearly important to both female and male credit, the most common terms of insult waged against men alleged theft, villainy, cheating, knavery and dishonesty. While these were all somewhat generic terms of abuse, they also related directly to the attributes of good business. The most important attribute for a person engaged in commerce was honesty, and Daniel Defoe included a whole chapter on it in *The Complete Tradesman*. Notions of honesty underpinned about half of the slanderous words brought to court by men, and they were often invoked if a customer felt that the quality of a tradesman's products was inferior or his prices too high. In 1711, George Campbell declared at the market cross of Edinburgh that Alexander Campbell, a wig maker, was a 'damned cheat and a common cheat'. George claimed that he had purchased a wig for three pounds 'entirely upon the pursuer's word' that it was a 'good and sufficient and marketable ware worth that price', but it turned out to be of poor quality. When Alexander refused to make a 'just reparation for the fault done him', George retaliated with the most effective weapon in his arsenal, words ruining the wigmaker's reputation for just dealing.⁶⁷

Dishonesty also underpinned insults and accusations of indebtedness and bankruptcy. Business failure in itself did not necessarily cause a loss of credit if a tradesman was perceived to have dealt openly and above ground, and being willing to share accounts with the appropriate parties was a component of honesty. Middling sorts placed a high value on the skills of good accounting and careful record keeping.⁶⁸ In a business partnership between John Reid, a printer and Alexander Donaldson, a bookseller, Donaldson called Reid a 'bankrupt thief and a villain' after suspecting that he

⁶⁷ NAS, *Hill v Syme*, 1710, CC8/6/154.

⁶⁸ Hunt, *Middling sort*, pp. 58–62.

manipulated their accounts. Allegations of dishonesty in bookkeeping fit perfectly with Muldrew and Fontaine's assertions that contemporaries saw accounting as important not so much to determine how much capital one had, but in order to maintain reputation for honesty and fair dealing. According to Fontaine, keeping accounts was part of a process of 'representing oneself as a methodical and forward thinking individual' and 'warding off the unpredictability of market forces'.⁶⁹

Though honesty and good business were essential to male credibility, these virtues were not unique to men. Indeed, women were slandered with professional insults in only slightly lower numbers than they were sexually insulted. Thievery ranked in the top four most common insults used against both men and women. Female servants were especially vulnerable to accusations of theft, especially by their masters, and they claimed that these insults had an adverse effect on their livelihoods. When Christian Rutherford was accused of stealing a brass candlestick from her masters, she told the court that their words 'loaded her with dishonestie'.⁷⁰

In insults based on honest business, male and female reputation clearly overlapped. But turning to insults based upon status, a point of divergence becomes clear. For commercial men, occupation and rank formed an important component of honour and credit. Insults debasing status were waged primarily against men and not women.⁷¹ Terms of insult might include 'rascal', 'knave' and 'rogue', which insinuated lowly birth, rootlessness, menial employment or marginal status.⁷² Insults degrading male status were even more powerful if they were not waged as generic terms of abuse, but referred

⁶⁹ Fontaine, 'Antonio and Shylock', p. 55; Muldrew, *Economy of obligation*, p. 128.

⁷⁰ NAS, *Row v Hutchison*, 1719, CC8/6/191.

⁷¹ For comparison with early-modern England, see Shepard, *Meanings of manhood*, ch. 6.

⁷² *Ibid.*, p. 175.

specifically to an individual's actions or circumstances. Status-based insults could deprive men of the credit associated with independence and economic autonomy. In 1755, Elizabeth Gifford implied that her neighbour George Hog, a brewer, was of lowly status because he engaged in manual labour by carrying stones.⁷³ The cause of the insult remains unclear, but to portray a middling man such as Hog as a manual labourer deprived him of the social standing derived from his occupational title.

The components of credit were complex and often contradictory, especially when it came to status. Manners and actions could appear as more important than rank in claiming respectability. Some litigants emphasised their good behaviour in the face of lowly status, while others stressed good deeds rather than their high status. When a dispute between James Reid, a brewer, and his neighbour Mrs Carmichael ended up in court, Reid invoked his past good behaviour rather than his status. He told the court that 'it is a mans manner and not his birth and station that gain the most solid applause'.⁷⁴ Theoretically, credit was a virtue that could be claimed by anyone.⁷⁵ When the apprentice James Gilkie took his master, William Wallace, to court for saying that he stole goods from the house, Wallace emphasized his good deeds rather than his higher station as a writer [solicitor] as a point of respectability. Wallace invoked his charitable behaviour towards Gilkie, telling the court of how he 'took pity upon him' and hired him as a servant. By stressing his good deeds towards the complainer, Wallace framed Gilkie's actions in taking him to court as ungrateful.⁷⁶

⁷³ NAS, *Gifford v Hogg*, 1755, CC8/6/354.

⁷⁴ NAS, *Macdonald v Reid*, 1764, CC8/6/414.

⁷⁵ Muldrew, *Economy of obligation*, p. 151.

⁷⁶ NAS, *Gilkie v Wallace*, 1760, CC8/6/381.

Masculine credit was not only established through public activity such as business and good deeds, but also through appropriate patriarchal engagement with family and home. Prescriptive texts of the period articulated men's relationships with the home through a model of oeconomy, which emphasised authority, management of the family and economic provision.⁷⁷ Studies have suggested that such prescriptions were both unattainable for most men and that they were contested by counter-codes of conduct.⁷⁸ Even if they cannot describe everyday practice, these ideals formed potent categories for evaluating men's credit both within the courtroom and in the marketplace.

Several men prosecuted insults insinuating that they were unable to provide for their families through good business. Business failure and bankruptcy were framed in gendered terms that linked failure in trade with failure at home. In 1760, Mungo Scott accused John Murray, a widower, of having caused the death of his late wife 'by keeping from her the real necessities of life'.⁷⁹ Murray was involved in several disputes over debt and eventually failed in business. In his insult, Scott linked Murray's business failures with the inability to provide adequately for his family. In a similar case, Roderick Pedison's servant took him to court saying that she had stolen gold from his house. The servant claimed that the gold was taken to defray the cost of liquors and cordials purchased by her for Pedison's dying wife. Pedison took offence to the notion that his late wife would have depended on her servant for provision, calling the statement 'ane absurd reflection on the defender, seeing it is well known, his deceased spouse was

⁷⁷ Foyster, *Manhood* p. 65; Harvey, 'Men making home', pp. 532–4; Shepard, 'Manhood, credit and patriarchy', pp. 75–7.

⁷⁸ Shepard, 'Manhood, credit and patriarchy', pp. 98–9, 102–3.

⁷⁹ NAS, *Dickson v Webster*, 1750, CC8/6/380.

sufficiently provided by him, of what was necessary for her, under her sickness, and was under no necessity of being supplied by the pursuer'.⁸⁰

A patriarch was expected to exert control over his dependents and to act as the moral authority of the household.⁸¹ Some men prosecuted insults suggesting that they used their power to coerce dependents into dishonourable or even criminal behaviour. In 1764, Neil Beaton said that Hector McLean, a writer 'was a forgerer, villain, cheat and rascal and taught his own servant to be so'.⁸² In another case, the smith Robert Anderson was accused not only of resetting stolen goods, but of going to a workhouse 'under cloud of night and seducing and inticing his servant to steal goods'.⁸³ Insults such as these ran deeper than calling a man a forger or a thief. They questioned the moral fibre of the men in question as patriarchs, suggesting that they were unfit to wield the power, influence and honour they had gained as independent heads of household.

As the heads of households and the legal proprietors of moveable goods, it is unsurprising that men ended up in court as both pursuers and defenders most often. However, their tendency to appear in court alone can give the false impression that men's reputations were constructed independently of their families. If, as Muldrew suggests, the family was the unit of credit, then the family should also be considered the unit of reputation.⁸⁴ It is important that we recognise male and female honour not only as overlapping or divergent, but as interdependent within the context of the family economy. Litigants testified that the insults waged against them had consequences for their families. When Marion Dunune was accused of fornication, the insult resulted in the 'discredit and

⁸⁰ NAS, *Lothead v Pedeson*, 1711, CC8/6/158.

⁸¹ Foyster, *Manhood* pp. 4–5; Tosh, *A man's place*, p. 3.

⁸² NAS, *McLean v Beaton*, 1764, CC8/6/413.

⁸³ NAS, *Anderson v Bull*, 1767, CC8/6/441.

⁸⁴ Muldrew, *Economy of obligation*, p. 157.

injury of her mother and other relations'.⁸⁵ Drawing on the ties of family honour, other defamers insulted parents and children alike. Alexander Johnston called Helen Anderson a witch and 'her sons the sons of a witch'.⁸⁶ In 1742 Robert Wilson said the writer David Fall was dishonest and called his daughters 'two light tailed bitches'.⁸⁷

The honour of husbands and wives was closely intertwined, and the court records suggest that they took an active role in upholding and defending each other's reputations. Women helped manage family credit and defended their husbands through informal means such as gossip. In 1718 a case was taken to court by Andrew Thomson, a founder, against David Darling, a smith, disputing an unpaid balance due to Thomson by Darling. The wives of both parties were involved in the dispute, Thomson's wife declaring in the high street and the public market in Edinburgh that Darling had 'mansworn' [falsely promised] them certain sums of money, and Darling's wife responded by defending her husband's honesty.⁸⁸ The active role that women played in their husbands' honour might support Garthine Walker's assertion that though women lacked 'the occupational and institutional identity that provided the highly visible locus for male honour', their roles within household economies 'gave them a sense of social identity, self worth, and neighbourhood status', all of which had a relation to honour.⁸⁹ Husbands also brought insults made against their wives before the court. In 1711, Robert MacLellan said that Anna Byres 'was twice mensworn already and would do it again, and would she have all his as well as her own, the devil be in her then'. Byres' husband took the case to court. As

⁸⁵ NAS, *Denune v Walker*, 1734, CC8/6/263.

⁸⁶ NAS, *Anderson v Johnston*, 1720, CC8/6/194.

⁸⁷ NAS, *Fall v Wilson*, 1742, CC8/6/300.

⁸⁸ NAS, *Darling v Thomson*, 1718, CC8/6/184. 'Manswearing' could refer to falsely swearing both within a courtroom and outside the legal setting.

⁸⁹ Walker, 'Expanding the boundaries', p. 236.

a young merchant, accusations of falsely swearing or falsely promising made against his family could impact his own reputation for honest dealing.⁹⁰

Indeed, male honour and reputation depended not only on a man's own actions, but on the behaviour of other members of his household, including wives, children and other dependents. Naomi Tadmor has shown that servants, apprentices and lodgers were considered 'family' and that their behaviour was interpreted as 'familial actions'.⁹¹ Men responded to the dishonourable behaviour of dependents by dismissing them, distancing them, or even prosecuting them at court. Several actions of scandal were brought against men in positions of patriarchal authority who had attempted to distance themselves publicly from dishonourable dependants through gossip or insult. Some masters dismissed servants upon finding them engaged in theft or sexual misbehaviour. In 1720, when the servant Helen Whyte was found to be pregnant, her master turned her out and scandalised her by making the event public.⁹² In 1716, the writer Thomas Russell made public that his servant had stolen a shovel and corn from another man's barn and dismissed him from service. The servant later sued Russell for ruining his credit.⁹³

Family credit spread beyond members of a household to span generations. Because both honour and dishonour could be inherited, the families of Scottish middling men continued to manage their reputations posthumously.⁹⁴ In one case a family fought a defamation case to recover the honour of their deceased father, George Fall. Fall, a writer [solicitor], had raised a case in 1742 against a merchant for saying that 'there was not an honest drop of blood or an honest inch in all his body'. Fall died before the proceedings

⁹⁰ NAS, *Byres v Ogilvie*, 1717, CC8/6/176.

⁹¹ Foyster, *Manhood* p. 87; Tadmor, 'Concept of the household-family', pp. 111–40.

⁹² NAS, *Sheriff v Rolland*, 1720, CC8/6/196.

⁹³ NAS, *Steill v Russell*, 1716, CC8/6/174.

⁹⁴ Nenadic, 'Writing medical lives', pp. 519–22.

came to an end. A year later, his children picked up the case. In so doing, they felt that they were ‘acting a right part in supporting and maintaining the reputation of their deceased father, for surely if to honour our parents be a command to suffer them to be dishonoured must be criminal’.⁹⁵

III

The language of insult employed by men and women sheds light on many of the components of credit and reputation that were considered important by middling commercial men. But when considered in isolation, this language paints a limited picture of reputation. In publicly slighting each other, they drew from an arsenal of abusive language, employing the insults that they felt would be most potent and effective. Litigants were often engaged in pre-existing conflicts, and the words waged bore little relation to the larger issues at hand. But in lengthy defamation proceedings, litigants were given the opportunity to speak in more detail about their past behaviour, allowing them to claim credibility and discredit their opponents in more subtle ways. The court became a space to discuss appropriate male conduct within public commercial settings. Depositions suggest that credit was also derived from men’s abilities to socialise appropriately according to new codes of polite behaviour. These codes were especially important to men engaged in business because they ‘encouraged and regulated public conversation in order to make commercial transactions easier, resolve disputes, and facilitate economic and social exchanges between men of varying levels of status and wealth’.⁹⁶

⁹⁵ NAS, *Fall v Wilson*, 1742, CC8/6/300.

⁹⁶ Shoemaker, 'Reforming male manners', 137–8..

The type of speech that men used while socialising reflected their abilities to exercise reason, one of the primary components of manhood.⁹⁷ Men contrasted their speech to that of women, who were more prone to passion and ‘meer scolding or flyting’.⁹⁸ Men hoping to discredit the words of others described their speech as feminine, calling it ‘scolding, ‘coeing’ and ‘gosoping’.⁹⁹ In contrast, words uttered by reasonable men had more meaning. As James Tweedie testified, his opponent’s slanderous expression was especially harmful ‘by its being often repeated and in the most voluntary, deliberate, obstinate manner; not merely in a *mad rage or passion*, but, as is expressly deponed to by all the witnesses, repeatedly after the defender had returned to a *cool and dispassionate mood*’ [emphasis added].¹⁰⁰

Pursuers used passionate behaviour as a way to discredit opponents and positively claim their own honour. Those complaining of defamation tended to emphasize their use of reason in contrast to the passionate outbursts of those who insulted them. In one case relating to a larger conflict over the payment of debts, the merchant John Murray told the court that when he tried to take the matter to reconciliation, ‘the defender in place of accepting the friendly offer answered the same only with rage and passion’.¹⁰¹ Honest men reacted calmly to passionate outbursts. The surgeon-apothecary James Smith was walking on the high street when a fellow surgeon John Clerk ‘called out aloud to him- hear you- are you ready to acknowledge this day before the persons I shall name that you gave Mrs Addison poison and murdered her. Doe you know that opium is a poison you

⁹⁷ Foyster, *Manhood* p. 29.

⁹⁸ NAS, *Duncan v Anderson*, 1732, CC8/6/248.

⁹⁹ NAS, *Thomson v Dickson*, 1710, CC8/6/155; *Fall v Wilson*, 1742, CC8/6/300.

¹⁰⁰ NAS, *Tweedie v Wood*, 1769, CC8/6/463.

¹⁰¹ NAS, *Murray v Scott*, 1760, CC8/6/380.

blackhead’. The complainer told the court that he ‘calmly answered that he fancied he had not forgot the nature of opium’.¹⁰²

Adherence to codes of reason, self-control and civility were challenged by drinking behaviour, a critical aspect of male sociability. The negotiation of reputation often took place while socialising in the alehouse. For men, drinking was an important public display. Drinking with someone was an act of being seen publicly with them, and indorsing their character and behaviour. Refusing to drink in a man’s company was a way for communities of men both to enforce respectable behaviour and to distance themselves from dishonourable characters. When James Hunter recounted news in the alehouse that James Paterson, a tide surveyor, had bribed witnesses, one of the men present responded that if Hunter could prove Paterson’s actions, ‘no honest man should drink or keep company with him’.¹⁰³ The public and social meaning of choosing whether or not to drink with a man meant that refusing a drink could be seen as slanderous. Though the context of the insult remains unclear, John Alexander brought Alexander Smith to court in 1735 for asserting publicly that ‘before he would drink with any such damned eternal rogue... he would be damned’.¹⁰⁴

Drinking was associated with agreement and friendship, and men engaged in rituals such as toasting especially after making business deals. Drinking could also serve as a public signal of reconciliation, making the tavern an important space for resolving conflicts.¹⁰⁵ Litigants hoping to resolve a case out of court might try to drink with their adversary in a public setting in front of witnesses in order to force an image of

¹⁰² NAS, *Smyth v Clark*, 1757, CC8/6/370.

¹⁰³ NAS, *Paterson v Hunter*, 1739, CC8/6/286.

¹⁰⁴ NAS, *Alexander v Smith*, 1735, CC8/6/264.

¹⁰⁵ Clark, *English alehouse*, p. 153.

reconciliation. After he was accused of slander by Walter Inglis, the cooper Adam Milne testified that ‘after the expressions libelled, the pursuer and defender did civilly converse and drink together in company, which it is conceived was a reconciliation’. **Inglis** denied that the reconciliation had taken place, asserting that they might only have drunk together in ‘general meetings’ and that ‘he neither conversed nor drank in company where the defender was present to the complainer’s knowledge’.¹⁰⁶

While drinking could be linked with business agreements and reconciliation, it also had a darker side associated with the loss of reason and order. Drinking tested the limits of self-control, and being able to hold one’s drink was a point of honour. After drinking, men might step out of social bounds. In one case, James Dunbar scandalised Ann Cameron, the wife of an advocate, and ‘thrust himself on her and her company, who had no occasion to converse with him’.¹⁰⁷ Furthermore, heavy drinking and the expenses associated therewith could be a symbol of uncontrolled consumption, calling into question a man’s rational control of finances. In 1735 Adam Milne was taken to court for asserting that Walter Inglis ‘broke open the commoner or the Dean of Gild’s box or some other such charity box and stole money out of it, and drank the money’. Inglis’ drinking caused both moral and financial transgressions, and public knowledge of the incident ruined his credit. He responded by suing Milne for scandal.¹⁰⁸

Though intoxication was not honourable, it did serve as an excuse for behaviour in a legal setting, which in part explains the frequency of drinking in the records. Drunk men were considered not to be in control of themselves and not aware of their actions. As one defender testified, ‘since injuries are estimate according to the designs of the

¹⁰⁶ NAS, *Inglis v Milne*, 1735, CC8/6/269.

¹⁰⁷ NAS, *Cameron v Dunbar*, 1712, CC8/6/163.

¹⁰⁸ NAS, *Inglis v Milne*, 1739, CC8/6/269.

offender, it naturally follows that men who are follies, idiots, very young or very drunk are not punishable for verbal injuries except when offenders did become drunk of design to offend'.¹⁰⁹ Men who insulted others while drunk were careful to show their remorse after coming to their senses. As the shoemaker William Crooks testified after slandering Helen Hunter, 'after the liquor was gone out of my head I was very sorry and sensible of the fault I had committed'.¹¹⁰

IV

In examining constructions of credit in cases of scandal from 1710–70, the lack of change over time is remarkable. In contrast to English case studies, the language of insult, the behaviour described, and the gender, occupation, and rank of litigants remained consistent and broadly comparable to studies of the seventeenth century. In Edinburgh, social constructions of credit remained fairly consistent over a long period of time. What did change, however, was the means of gathering information about individuals in order to assess their credit according to these codes. Edinburgh did not provide an unchanging setting for the negotiation of public reputation. The population doubled and the city became home to increasing numbers of transients and outsiders, making anonymity in social and commercial life a real possibility.¹¹¹ The changing urban environment complicated tradesmen's abilities to gather information about potential customers. Furthermore, the arenas of reputation changed. The form and setting of insults in eighteenth-century Edinburgh reflect these shifts.

¹⁰⁹ NAS, *Walker v Walker*, 1732, CC8/6/251.

¹¹⁰ NAS, *Hunter v Crooks*, 1749, CC8/6/326.

¹¹¹ Houston, *Social change*, p. 18.

Case studies drawing on defamation in seventeenth-century England described public insult as a form of street theatre. Incidents were dramatic, direct confrontations. Slanderers often clapped their hands or cried out to draw attention to the scene, attracting crowds of people around them.¹¹² Gowing noted that ‘defamations rarely happened inside private houses, at meals, or within private conversation’, and they attracted large audiences.¹¹³ Passers by often joined in the scene, listening and responding to the insults, condemning the behaviour of the accused and crowding around the parties involved in the dispute.

By the eighteenth century, as Gowing and Shoemaker note, insults had moved indoors. This shift happened earlier in London than in Edinburgh, but the trend in Scotland’s capital is clear. In Edinburgh, there was a significant shift in the public nature of the insult. Until 1730, most insults involved a direct confrontation between parties. These confrontations fit within what contemporaries called ‘passionate outbursts’. They often involved crying out, yelling and physical gestures. After 1730, public insult began to occur more within the bounds of polite conversation. Most slander took place not through a direct confrontation, but through gossip behind a pursuer’s back. Techniques to draw attention such as clapping and shouting were no longer used. Instead of a large crowd, pursuers described the presence of only a few people, and they were generally friends and acquaintances of the parties involved. Insults became public when servants or acquaintances overheard conversations, or became aware of tarnished reputations through gossip. Pursuers were able to name exactly who had heard the insulting words, and with whom their credit had been ruined. James Smith, a surgeon apothecary, claimed that

¹¹² Capp, *When gossips meet*, p. 198.

¹¹³ Gowing, *Domestic dangers*, pp. 98–9.

insulting words uttered by a fellow surgeon had an impact upon his credit with particular patients, causing them ‘injustly to refuse payment’ as well as threatening his standing within the incorporation of surgeons.¹¹⁴ In cases after 1730, what was at stake was more likely to be a pursuer’s reputation with a select group of people who mattered to his business, not the community at large.¹¹⁵

The methods of negotiating reputation also changed. Violence declined as a way of asserting honour. Shoemaker found a shift in the focus of London defamation records to inappropriate physical conduct, which he interpreted as an effort to suppress unacceptable physical acts.¹¹⁶ In Edinburgh, incidents of violence and threats of violence appeared alongside insulting words, but these incidents decreased over the period of study (figure 3). From 1710–20, 15 per cent of cases involved violence, threats of violence, or symbolic and physically intimidating gestures. For example, in 1712 Andrew Kerr, a minister, described how George Oswald, another minister, had insulted him while ‘lifting up his hand and staff over the complainer’s head’.¹¹⁷ Rates of violence fell to 5 per cent in subsequent decades, and by 1770 violent acts were all but absent from the records.

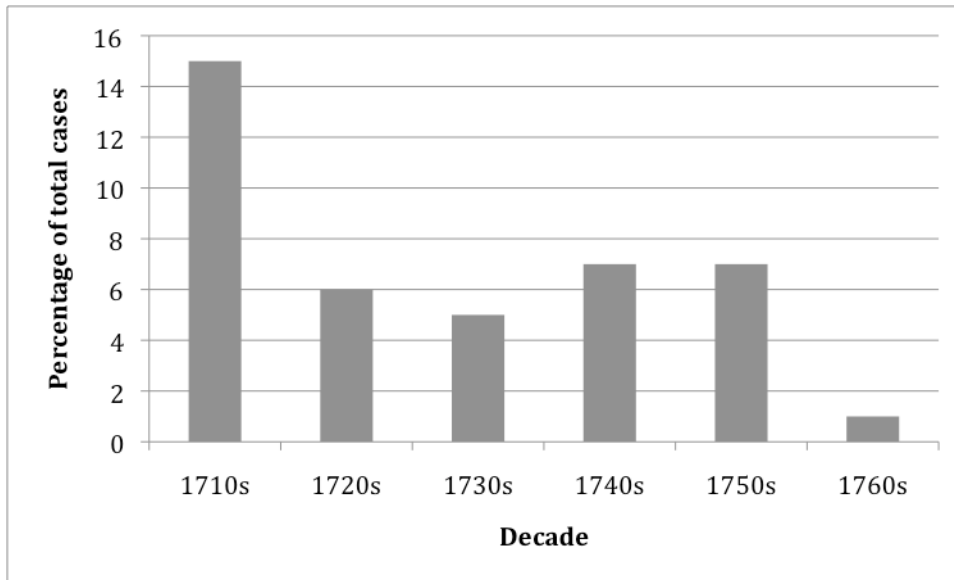
Figure 3. Percentage of cases involving violence or threats of violence, 1710–1770

¹¹⁴ NAS, *Smith v Clark*, 1757, CC8/6/370.

¹¹⁵ Shoemaker, 'Decline of public insult', p. 113.

¹¹⁶ Shoemaker, 'Reforming male manners'; Shoemaker, 'Decline of public insult', pp. 117–18.

¹¹⁷ NAS, *Ker v Oswald*, 1712, CC8/6/164.



Source: National Archives of Scotland, Edinburgh Commissary Court, Consistorial processes, 1710-1770. CC8/6/154-482.

As time progressed, nearly all violent incidents involved female perpetrators, suggesting that codes of physical conduct for men and women might have changed at different rates.¹¹⁸ Male litigants used female violence as a way to emphasize their own respectable behaviour. William Christie, a stabler who stood accused of calling Margaret Watt a common whore, emphasized his own reason in the face of her violent behaviour as a way to claim credit. When questioned about the incident, he told the court that he ‘speaked civilly what she had to doe there she in a rude and passionate manner not only scandalised and defamed the defender by giving several scandalous and approbrious name such as rascall, villain murderer and the like but likeways fell upon him beat him made a great noise and tumult in his house’.¹¹⁹ Christian Gray, the wife of a dyer who was accused of insulting Mary Watson, testified that ‘Mary Watson no only beat me the

¹¹⁸ For women and violence in Scotland, see Kilday, *Women and violent crime*.

¹¹⁹ NAS, *Watt v Chrystie*, 1739, CC8/6/284.

said Christian Gray and tore the cloaths off my head but also offener then once in the publick street and other places defam'd and calumniat me by calling me thief".¹²⁰

V

For middling men in eighteenth-century Edinburgh, honour and reputation depended on a number of factors. A man's sexual behaviour, his honesty and fairness in business, his occupation and rank, his ability to provide for and control his household, the way he socialized with other men in public, and the behaviour of his family members all contributed to his financial credibility. Some of these codes of credibility changed as men moved through the lifecycle. Appropriate sexual behaviour, for example, could be different for young, single men than for married and house-holding men.

By comparing insults against men with insults against women (though female cases represent a minority of the total cases), this article has been able to shed light on some of the points of overlap, divergence and interdependence of male and female reputation. In constructions of credit, gender and occupation or rank interacted, so that men and women in similar occupational positions derived their credit on similar terms. The professional insults made against both sexes overlapped considerably. For both men and women in business, reputations for honesty and fairness were essential.

Male and female credit also diverged in suggestive ways. Though sexual reputation was important to both men and women, they experienced sexual insult on different terms. Men had the power to manipulate accusations of sexual misbehaviour, using it to claim power over women. Insults of rank and status were deployed only against men and not women. Furthermore, men framed their credit and negotiated it in

¹²⁰ NAS, *Watson v Gray*, 1718, CC8/6/182.

different ways, often in relation to women and to perceptions of female behaviour. Men in the consistory court sought constantly to augment their credit by setting their behaviour apart from women. This involved both framing the behaviour of adversaries in feminine terms, and emphasising their own manliness as non-feminine.

Perhaps the greatest point of divergence in male and female negotiation of credit was in the use of the court itself as a space to claim reputation. Both men and women had access to the court, but men chose to use it in much greater numbers. For men in eighteenth-century Edinburgh, the courtroom was a space of masculine competition and arbitration. Men used the court to compete in the marketplace. Initiating a case was a way of claiming respectability and of publishing one's character. Unlike in London, where the middling sorts ceased to use the court system during the eighteenth century, defending one's self through legal means remained an honourable act in Edinburgh. As one litigant in 1760 claimed, 'no man will sit in a publick company and hear himself reproached with the odious names of villain and damned villain, without suing for a proper vindication of his character, otherwise the world might very justly conclude that from his silence he deserved these epithets'.¹²¹

Recent studies have suggested that during the eighteenth century, economic credit underwent profound changes. Institutional mediation replaced personal bonds and communal reputations as the basis for credit relations.¹²² Further research is required to clarify the nature of middling involvement in finance in Scotland. However, studies of Edinburgh's developing banking system during the period would seem to suggest that middling urban tradesmen had limited direct involvement in new forms of finance,

¹²¹ NAS, *Laing v Robieson*, 1760, CC8/6/379.

¹²² Muldrew, *Economy of obligation*, p. 329.

representing only a minority of cash account holders at the Bank of Scotland.¹²³ This article has shown that throughout the period 1710-70, credit was consistently constructed and negotiated in social terms that were both deeply interpersonal and deeply gendered. However, the forms, settings and arenas of reputation were changing and becoming interiorised. Insults moved indoors and happened before smaller crowds. Reputation was constructed and mediated and appropriate behaviour enforced within networks of association rather than in the wider community. In time, reputation would undergo even more profound shifts. The rituals of shame used in the consistory court to punish defamers would disappear, reflecting further changes in the substance, meaning and significance of honour, and in the relationship between the individual and his community. But at least until 1770, for middling men, obtaining credibility and success in the Edinburgh marketplace was achieved by negotiating a set of masculine codes of honour and reputation.

¹²³ Saville, *Bank of Scotland*, pp. 252, 263-265.

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